



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.9493 of 2017

and

CRL.MP(MD) .No.6476 of 2017

1.P.Thobiyas

2.A.Devaraj

...Petitioners/Accused Nos.7 and 9

-Vs-

1. The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
(Crime No.97 of 2017)

2. Ganesan

... 2nd Respondent/Defacto
complainant

PRAYER: This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the First Information Report in Crime No.97 of 2017 dated 25.04.2017 on the file of the respondent No.1 and quash the same as illegal as against the petitioners.

For Petitioners : Mr.M.Punitha Devi Kumar

For Respondent : Mr.K.Anbarasan

Government Advocate (Crl.side) for R1

O R D E R

This Criminal Original Petition is filed to call for the records pertaining to the First Information Report in Crime No.97 of 2017, dated 25.04.2017, on the file of the respondent No.1 and quash the same as illegal as against the petitioners.

2. Heard Mr.M. Punitha Devi Kumar, learned counsel appearing for the petitioners and Mr.K.Anbarasan, learned Government Advocate (Crl.Side) appearing for the respondent.

3. The case of the petitioners is that a criminal has been registered against the petitioners without application of mind. Further, it is also alleged that no prima facie case is made against the petitioners herein, as it is only an attempt to harass the petitioners. Further, the counsel for the petitioners states that they are innocent and they have not committed any offence as alleged in the FIR. Except denying the allegations which are made against the petitioners in FIR, no other point is raised.



4. The petitioners have no legal submission as to how this Court can quash the FIR at this stage without even an enquiry. The contention of the petitioners that they have not involved in the crime can be established only after full fledged enquiry.

5. Having regard to the fact that specific allegations were made against the petitioners/accused nos.7 and 9, this Court is not inclined to allow this petition. Accordingly, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.M.Punitha Devi Kumar, Advocate Sr.No.67082

DAS/TRP

VB/MR/KKR/SAR3/07/08/2017/2P/4C

CRL.O.P. (MD) No.9493 of 2017

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